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TAYLOR, JOSHUA D				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,977

Applicant(s)

CARLE ET AL.

Examiner

JOSHUA TAYLOR

Art Unit

2426

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 24-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-8, 10, 12-17, 21-22 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande et al. (Pub. No.: US 2005/0108768) in view of Pham et al. (Pat. No.: US 7,143,288) and Durden et al. (Pat. No.: US 7,380,258).

Regarding claim 1, Deshpande discloses **a method comprising: initializing a client device** (paragraph [0007]), **communicating with a configuration server** (Fig. 2, paragraph [0033]), **wherein the configuration server stores configuration information associated with the client device for communication to the client device** (Fig. 2, element 46, paragraph [0037]); **receiving the configuration information at the client device from the configuration server each time the client device is to perform a task which requires application of the configuration information associated with the client device** (paragraph [0019]); **applying the**

configuration information to the client device (Fig. 4, paragraph [0042]). However, although Deshpande discloses using a protocol such as a network file system (NFS), which uses client identification information, Deshpande does not explicitly disclose **wherein the client device has an associated identifier, nor communicating the identifier associated with the client device to a configuration server**. However, in analogous art, Pham discloses that NFS requests can securely transport user identification to a server (column 10, lines 18-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include communicating a user identification associated with the client device of Deshpande to the server. This would have produced predictable and desirable results, because it would ensure that the server knew the identity of the client with which it was interfacing.

Although Deshpande discloses that a television can utilize this method, neither Deshpande nor Pham explicitly disclose **receiving video data from the configuration server**. However, in analogous art, Durden discloses that a single transmission facility, i.e. server, can supply a client with a variety of data, such as broadcast data, video data, EPG data, and program data (Fig. 1, column 5, lines 11-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow the server of Deshpande to also supply video data. This would have produced predictable and desirable results, because it would simplify the communication process if the client only had to communicate with one transmission facility for all of their television needs.

Regarding claim 2, the combined teachings as stated above disclose **a method as recited in claim 1**, and Durden discloses **further comprising communicating the received video data to a display device** (Fig. 1, element 28, column 4, lines 28-36). This claim is rejected on the

same grounds as claim 1, as it would have been obvious to display video data on a display device.

Regarding claim 3, the combined teachings as stated above disclose a **method as recited in claim 1**, and Durden further discloses **wherein the received data includes audio data** (Fig. 1, element 28, column 4, lines 28-36). This claim is rejected on the same grounds as claim 1, as television programs contain both video and audio.

Regarding claim 4, the combined teachings as stated above disclose a **method as recited in claim 1**, and Deshpande further discloses **further comprising: receiving a request to perform a task from a user of the client device; requesting additional configuration information associated with the task from the configuration server; receiving the additional configuration information from the configuration server; and applying the additional configuration information to the client device** (paragraph [0019]. Deshpande discloses obtaining a remote application on an “as-needed” basis; thus, if additional information for the task is needed, the client device will obtain it from the server.).

Regarding claim 6, the combined teachings as stated above disclose a **method as recited in claim 1**, and Durden further discloses **wherein the client device is a set top box** (column 3, lines 38-40). This claim is rejected on the same grounds as claim 1, as a set-top box would be an obvious choice to facilitate delivery of video and control content.

Regarding claim 7, the combined teachings as stated above disclose a **method as recited in claim 1**, and Deshpande further discloses **wherein the client device is a display device** (paragraph [0034]).

Regarding claim 8, the combined teachings as stated above disclose **a method as recited in claim 1**, and Durden further discloses **wherein the configuration information includes parental control settings to be implemented by the client device** (Fig. 6, column 6, lines 5-21, column 12, lines 33-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide parental controls as part of the configuration information. Parental control settings would have been a highly desirable feature in the area of video systems, as it would allow customers to restrict certain users from viewing certain content.

Regarding claim 10, the combined teachings as stated above disclose **a method as recited in claim 1**, and Deshpande further discloses **further comprising discarding the configuration information after applying the configuration information to the client device** (paragraph [0009]). Deshpande states that "the present invention gives [the television] the ability to use applications that are located on a remote computer device in the same manner as if they are locally installed applications." Thus, the applications are not locally installed, and so after the television has used whichever application, being that it is not locally stored, the television has discarded the information, being that it is not storing it and no longer manipulating it.

Regarding claim 12, the combined teachings as stated above disclose **a method as recited in claim 1**, and Deshpande further discloses **further comprising applying the configuration information to multiple client devices, whereby each of the multiple client devices receives identical configuration information** (paragraph [0032]).

Regarding claim 13, the combined teachings as stated above disclose **a method as recited in claim 1**, and Deshpande further discloses **further comprising: accessing the configuration server that contains configuration information associated with the client**

device; and changing the configuration information associated with the client device (paragraph [0039]).

Regarding claim 14, the combined teachings as stated above disclose **a method as recited in claim 13**, and Deshpande further discloses **wherein the changes to the configuration information are applied to the client device during subsequent initializations of the client device** (paragraph [0018]. The loading of applications is initiated by a television, i.e. client, therefore changes occur based on initializations of the client device).

Regarding claim 15, Deshpande discloses **one or more computer-readable memories containing a computer program that is executable by a processor** (paragraph [0023]), and the combined teachings as stated above disclose **performing the method recited in claim 1**.

Regarding claim 16, Deshpande discloses **a method comprising: receiving a request for configuration information associated with the client device from the client device, each time the client device is to perform a task which requires application of the configuration information associated with the client device** (paragraph [0019]); **communicating the requested configuration information to the client device** (Fig. 4, paragraph [0042]). However, although Deshpande discloses using a protocol such as a network file system (NFS), which uses client identification information, Deshpande does not explicitly disclose **receiving an identifier from a client device, nor identifying the requested configuration information associated with the client device based on the received identifier**. However, in analogous art, Pham discloses that NFS requests can securely transport user identification to a server (column 10, lines 18-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include communicating a user identification associated with the client device

of Deshpande to the server. This would have produced predictable and desirable results, because it would ensure that the server knew the identity of the client with which it was interfacing.

Although Deshpande discloses that a television can utilize this method, neither Deshpande nor Pham explicitly disclose **communicating video data to the client device for display on a display device**. However, in analogous art, Durden discloses that a single transmission facility, i.e. server, can supply a client with a variety of data, such as broadcast data, video data, EPG data, and program data (Fig. 1, column 5, lines 11-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow the server of Deshpande to also supply video data. This would have produced predictable and desirable results, because it would simplify the communication process if the client only had to communicate with one transmission facility for all of their television needs.

Regarding claim 17, the combined teachings as stated above disclose **a method as recited in claim 16**, and Deshpande discloses **further comprising: receiving a request for configuration information associated with the client device from another server; and communicating the requested configuration information to the other server**. This claim is rejected on the same grounds as claim 16, as claim 16 does not specify which server the client device is associated with, therefore specifying another server does nothing to narrow the claim.

Regarding claim 21, Deshpande discloses **one or more computer-readable memories containing a computer program that is executable by a processor** (paragraph [0023]), and the combined teachings as stated above disclose **performing the method recited in claim 16**.

Regarding claim 22: **One or more computer-readable media having stored thereon a computer program that, when executed by one or more processors, causes the one or more**

processors to: receive a request from a user that a client device perform a task; determine that configuration information associated with the client device is needed to perform the requested task; request the needed configuration information from a configuration server which stores the configuration information associated with the client device for communication to the client device each time the client device is to perform any task which requires application of the configuration information associated with the client device; receive the needed configuration information from the configuration server; apply the needed configuration information; receive video data from the configuration server; communicate the received video data to a display device; and discard the needed configuration information after applying the needed configuration information. This claim is rejected on the same grounds as claim 16, as it performs the method of claim 16, and the method of claim 16 would inherently be executed by a processor, and thus would need to be stored on computer-readable media. However, claim 22 adds the limitation of **discard[ing] the needed configuration information after applying the needed configuration information.**

Deshpande states that "the present invention gives [the television] the ability to use applications that are located on a remote computer device in the same manner as if they are locally installed applications." Thus, the applications are not locally installed, and so after the television has used whichever application, being that it is not locally stored, the television has discarded the information, being that it is not storing it and no longer manipulating it.

Regarding claim 24, the combined teachings as stated above disclose **one or more computer-readable media as recited in claim 22**, and Deshpande further discloses **wherein the needed information is applied to a plurality of client devices** (paragraph [0032]).

Regarding claim 25, the combined teachings as stated above disclose **one or more computer-readable media as recited in claim 22**, and Deshpande further discloses **wherein the one or more processors further request the same configuration information in response to a subsequent request to perform the same task** (paragraphs [0032] and [0040]).

Claims 5 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande et al. (Pub. No.: US 2005/0108768) in view of Pham et al. (Pat. No.: US 7,143,288) and Durden et al. (Pat. No.: US 7,380,258), and further in view of Finster et al. (Pub. No.: US 2003/0149981).

Regarding claim 5, the combined teachings of Deshpande, Pham and Durden disclose a **method as recited in claim 1**, but do not disclose **wherein the identifier is a unique identifier which continues to uniquely identify the client device when the client device is relocated from one household to another household**. However, in analogous art Finster discloses that a set-top box can have a unique identifier associated with the physical device. If the device were relocated to a new location, it would retain that same identifier (Fig. 1, element 110, paragraph [0021], lines 11-14. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above teachings to include a client device that had an identity that travels with the client device. This would have produced predictable and desirable results, as it would allow for the client to relocate and have the remote server still recognize said client's device, and thus provide that device with configuration information if necessary.

Claim 26 is an apparatus for performing the method of claim 1, which is rejected as stated above, except that claim 26 further includes the limitation of **a storage device containing an identifier associated with the apparatus wherein the identifier continues to uniquely identity the apparatus even when the apparatus is relocated from one household to another household**. In analogous art Finster discloses that a set-top box can have a unique identifier associated with the physical device. If the device were relocated to a new location, it would retain that same identifier (Fig. 1, element 110, paragraph [0021], lines 11-14. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above teachings to include a client device that had an identity that travels with the client device. This would have produced predictable and desirable results, as it would allow for the client to relocate and have the remote server still recognize said client's device, and thus provide that device with configuration information if necessary.

Regarding claim 27, the combined teachings as stated above disclose **an apparatus as recited in claim 26**, and Durden discloses **wherein the processor is further to process the received video data for display on a display device** (Fig. 1, element 28, column 4, lines 28-36). This claim is rejected on the same grounds as claim 26, as it would have been obvious to display video data on a display device.

Regarding claim 28, the combined teachings as stated above disclose **an apparatus as recited in claim 26**, and Durden discloses **further comprising an audio/video output coupled to the processor and configured to communicate the received video data to a display device coupled to the audio/video output** (Fig. 1, element 28, column 4, lines 28-36). This claim is rejected on the same grounds as claim 1, as television programs contain both video and audio.

Regarding claim 29, the combined teachings as stated above disclose **an apparatus as recited in claim 26**, and Durden discloses **further comprising a tuner to tune at least one channel associated with the broadcast video data** (column 3, lines 38-40). This claim is rejected on the same grounds as claim 1, as a set-top box, which contains a tuner, would be an obvious choice to facilitate delivery of video and control content.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande et al. (Pub. No.: US 2005/0108768) in view of Pham et al. (Pat. No.: US 7,143,288) and Durden et al. (Pat. No.: US 7,380,258), and further in view of Byers (Pub. No.: US 2003/0161395).

Regarding claim 9, the combined teachings of Deshpande, Pham and Durden disclose a **method as recited in claim 1**, but do not disclose **wherein the configuration information includes a last channel tuned by the client device**. However, in analogous art, Byers does (paragraph [0070]-[0072]). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide a last channel viewed as part of the configuration information. Storing the last channel viewed would have been a highly desirable feature in the area of video systems, as it would allow customers to more easily keep track of the different channels they are watching.

Claims 11 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande et al. (Pub. No.: US 2005/0108768) in view of Pham et al. (Pat. No.: US 7,143,288)

and Durden et al. (Pat. No.: US 7,380,258), and further in view of Cezeaux (Pub. No.: US 2002/0199184).

Regarding claim 11, the combined teachings of Deshpande, Pham and Durden disclose a **method as recited in claim 1**, but do not explicitly disclose **further comprising: receiving changes to the configuration information; applying the received changes to the client device; and communicating the received changes to the configuration server**. However, in analogous art, Cezeaux teaches that a set-top box may maintain no local copy, but rather change, request and retrieve configuration information on an as-needed basis from a remote server (paragraph [0027]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above teachings to include storing configuration information at a remote location. This would have produced a highly desirable result, in that reducing the amount of memory necessary in the set-top box would decrease the initial cost of said set-top box.

Regarding claim 18, the combined teachings of Deshpande, Pham and Durden disclose a **method as recited in claim 16**, but do not explicitly disclose **further comprising receiving modified configuration information from the client device**. However, in analogous art, Cezeaux teaches that a set-top box may maintain no local copy, but rather modify configuration information at the set-top box and then send it to a remote server for storage (paragraph [0027]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above teachings to include storing configuration information at a remote location. This would have produced a highly desirable result, in that reducing the amount of memory necessary in the set-top box would decrease the initial cost of said set-top box.

Regarding claim 19, **a method as recited in claim 18** is rejected as stated above, and Cezeaux discloses **further comprising storing the modified configuration information** (paragraph [0027]). This claim is rejected on the same grounds as claim 18.

Regarding claim 20, **a method as recited in claim 18** is rejected as stated above, and Cezeaux discloses **further comprising communicating the modified configuration information to the client device during subsequent requests for configuration information from the client device** (paragraph [0027]). This claim is rejected on the same grounds as claim 18.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571)270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/

Examiner, Art Unit 2426

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2426